

From: John Parziale
To: Microsoft ATR
Date: 12/12/01 11:55am
Subject: Public Comment on the Proposed Microsoft Antitrust Settlement Agreement

Your Honor,

This proposed settlement does not address Microsoft's illegal practices as found in the earlier case and appeal. The proposed settlement agreement will not remedy either the past or future abusive business practices of the Defendant, or the Defendant's misuse of its monopoly position in the personal computer market.

The instant litigation arose from the Defendant's violation of an earlier consent agreement. While the proposed settlement agreement appears to be comprehensive and effective in remedying the defendant's past illegal behavior and instituting policies and procedures to prevent their recurrence, approval of this settlement agreement merely postpones to another day and another court the task of imposing a solution that protects the consumer from the Defendant's illegal practices and overwhelming market power. That market power will not be held in check by this proposed settlement agreement; instead, the proposed agreement as currently structured will assure the Defendant that "business as usual" is the norm, that Microsoft can continue to wield its dominant position in personal computer operating systems to suppress competition, pervert industry standards, and embrace and extend its market power to the detriment of the consumer and the independent software development community.

I strongly urge the court to reject the proposed settlement agreement negotiated between the US Department of Justice and the nine concurring states with Microsoft. I will leave a detailed analysis of the defects in the proposed settlement agreement for others -- they are too numerous for this comment. Approval of this proposed settlement agreement would be ineffective, short-sighted and counterproductive.

My thanks to the Court for an opportunity by a member of the public to comment on a important matter.

Sincerely,
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